

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**: CASE NO: 2:11-CR-223
: JUDGE WATSON**

**ARTHUR SCHLICHTER,
SSN:***-**-2027**

Defendant.

And

**CLAIMS ADMINISTRATOR FOR
THE NFL CONCUSSION SETTLEMENT
PROGRAM**

Garnishee.

GARNISHEE'S RESPONSE TO WRIT OF GARNISHMENT

Comes now Garnishee, Arthur E. Schlichter, by counsel, respectfully submits his response to Plaintiff's Writ of Continuing Garnishment/Order. In support of Garnishee's cause, he alleges and states as follows:

1. Garnishee Defendant is currently incarcerated at the Federal Correctional Institute in Edgefield, State of South Carolina.
2. As a result of Mr. Schlichter's federal incarceration, mailing to and from the correctional facility is significantly delayed. In terms of the urgency in filing this matter the undersigned will respond on Garnishee's behalf. The undersigned is attorney in fact for Mr. Schlichter in the NFL Concussion settlement.
3. On November 16, 2018, the United States of America filed a Writ of Garnishment.

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4. The Writ of Garnishment is wholly inappropriate and in contravention of the criminal judgment rendered herein.
 5. The United States of America is asserting that there is a right to garnishment while the Garnishee is incarcerated. This is simply not accurate. Garnishee is ordered to only pay that amount as referenced in the criminal judgment. In other words, the United States of America is asserting an argument that is not currently ripe and against the criminal judgment herein.
 6. This pleading constitutes Garnishee's response to the Writ of Garnishment/Order herein.
 7. Garnishee is a retired NFL player.
 8. Garnishee made a claim for brain injuries caused by playing football in the NFL.
 9. Garnishee has a diagnosis of Parkinson's and Alzheimer's.
 10. Garnishee is entitled to a payout as a result of his brain injuries.
 11. NFL concussion settlement funds have not been paid to Garnishee or the Department of Justice at the present date.
 12. NFL concussion settlement provides Garnishee with the net sum of \$1,449,394.00. This amount is calculated by NFL Settlement agreement as approved by Judge Brody in the Eastern District of Pennsylvania. Neither party disagrees with the calculation of the net award.
 13. United States of America claims that all net monetary proceeds to be paid by the NFL to the United States Government rather than the retired player injured at work.
 14. Garnishee defendant objects to the garnishment of the monetary award to the United States Government.
 15. An exception exists that Garnishee contends will result in no monies to paid to the Department of Justice. In part, the workers compensation exception should be applicable in

this matter. Workers Compensation is a scheme to pay medical expenses and other costs when an employee is injured in the scope and course of employment. In other words, an employer is required to pay medical expenses, impairment or other compensable damage to injured employees.

16. The NFL Concussion settlement is akin to a workers compensation claim. Retired players that suffered traumatic brain injury in the form of Dementia, Parkinson's, ALS, CTE and Alzheimer's are permitted to receive compensation as a result of injury in play or acting on behalf of the employer. In this manner, the National Football League is the employer as concerns the concussion settlement.

17. Pursuant to the Workers Compensation exception, Mr. Schlichter should be entitled to 100% of the net funds received as a result of his brain injuries. This is certainly within the spirit of the law.

18. In part, Garnishee Defendant is suffering a permanent, lifelong, on-going disease process that will require significant medical treatment and corresponding medical bills.

19. Rather than saddle the United States Taxpayers with on-going medical expenses, Garnishee, by counsel, established a Special Needs Trust.

20. The Special Needs Trust would be controlled by a Trustee that would be empowered to withdraw funds for the express purpose of offsetting certain services otherwise not provided by Medicaid, Medicare or health insurance coverage.

21. It is reasonably certain, that at discharge from Federal custody (believed to be in 2020) Garnishee will require extensive medical care and long-term brain treatment.

22. In other words, by allowing the net proceeds of the NFL settlement to fund a Special Needs Trust will lighten the burden on Ohio taxpayers.

23. Garnishee requests that this Court set this matter for Hearing.

24. Garnishee requests that he attend the Hearing in person and be transported from the Federal Correctional Institute at Edgefield, to Ohio, at the expense of the United States of America.

WHEREFORE, Garnishee respectfully prays for the following:

1. Deny Government's request to garnish the NFL Concussion settlement owed to Mr. Schlichter.
2. Order Mr. Schlichter to be transported to Columbus, Ohio as is his legal right, to attend the Garnishment and exception Hearing.
3. Undersigned legal fees and expenses have already been ordered by Special Master and the United States District Court, Eastern District of Pennsylvania, pursuant to the orders of Court in the NFL Concussion settlement litigation.
4. Should this Court order that all net funds be paid to the Department of Justice, that such payments terminate any further Garnishee obligation pursuant to any previously executed Order regarding the same.
5. And, for all other relief just and proper in the premises.

Respectfully submitted,

COHEN & MALAD, LLP



Daniel S. Chamberlain, #16375-49

COHEN & MALAD, LLP

One Indiana Square, Suite 1400

Indianapolis, Indiana 46204

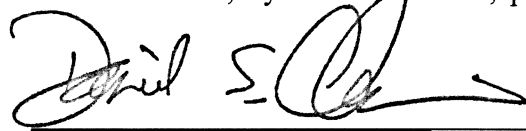
(317) 636-6481 (phone)

(317) 636-2593 (fax)

Attorneys for Defendant

CERTIFICATE OF SERVICE

A true copy of the above and foregoing Defendant's Request for Garnishment Hearing was mailed to Bethany J. Hamilton, Assistant United States Attorney, Southern District of Ohio, 303 Marconi Boulevard, Suite 200, Columbus, Ohio 43215-2401, by first class mail, postage prepaid, this 6th day of December, 2018.



Daniel S. Chamberlain

COHEN & MALAD, LLP

One Indiana Square, Suite 1400

Indianapolis, Indiana 46204